

So I make that request.

The PRESIDING OFFICER (Mr. BENNETT). Without objection, it is so ordered. The minority leader.

Mr. DASCHLE. Mr. President, if the majority leader would yield, I ask that we make a short quorum call prior to the time he makes the next unanimous-consent request.

Mr. LOTT. Mr. President, I observe a quorum is not present.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CHAFEE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CHAFEE. Mr. President, I believe that the order provides for speaking, I presume it was in morning business, for me to speak and I was to be followed by Senator BYRD.

Mr. BYRD. Will the distinguished Senator yield?

Mr. CHAFEE. Yes, certainly.

Mr. BYRD. Mr. President, I didn't understand we were in a period for morning business. At the time I was about to speak, I thought we were on the highway bill. But in any event, if the two leaders are ready to proceed, I will desist until I can address the Senate.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The majority leader.

## EXECUTIVE SESSION

### EXECUTIVE CALENDAR

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following nominations on the Executive Calendar: No. 137, which is Kevin Thurm, to be Deputy Secretary of HHS; No. 286, Edward Shumaker, to be Ambassador to Trinidad and Tobago; No. 304, Ellen Seidman, to be Director of the Office of Thrift Supervision; and No. 277, Peter Scher, to be Ambassador as Special Trade Negotiator.

I further ask unanimous consent that the nominations be confirmed; that the motion to reconsider be laid upon the table; that any statements relating to the nominations appear at the appropriate place in the RECORD; and that the President be immediately notified of the Senate's action.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed are as follows:

#### DEPARTMENT OF HEALTH AND HUMAN SERVICES

Kevin L. Thurm, of New York, to be Deputy Secretary of Health and Human Services.

#### DEPARTMENT OF STATE

Peter L. Scher, of the District of Columbia, for the rank of Ambassador during his tenure of service as Special Trade Negotiator.

#### DEPARTMENT OF STATE

Edward E. Schumaker, III, of New Hampshire, to be Ambassador Extraordinary and

Plenipotentiary of the United States of America to the Republic of Trinidad and Tobago.

#### DEPARTMENT OF THE TREASURY

Ellen Seidman, of the District of Columbia, to be Director of the Office of Thrift Supervision for a term of five years.

## TREATIES

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate proceed to consider the following treaties on today's Executive Calendar: Nos. 3, 4, 5, 6, and 7. I further ask unanimous consent that the treaties be considered as having passed through their various parliamentary stages, up to and including the presentation of the resolutions of ratification; that all committee provisos, reservations, understandings, and declarations be considered agreed to; that any statements be printed in the CONGRESSIONAL RECORD as if read; and that the Senate take one vote on the resolutions of ratification to be considered as separate votes; further, that when the resolutions of ratification are voted upon, the motion to reconsider be laid upon the table; that the President be notified of the Senate's action; and that following the disposition of the treaties, the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. Mr. President, I ask for a division vote on the resolutions of ratification.

The PRESIDING OFFICER. A division has been requested.

Senators in favor of the resolutions of ratification will rise and stand until counted. (After a pause.) Those opposed will rise and stand until counted.

On a division, two-thirds of the Senators present having voted in the affirmative, the resolutions of ratification are agreed to.

The resolutions of ratification were agreed to as follows:

#### AGREEMENT WITH HONG KONG FOR THE SURRENDER OF FUGITIVES

*Resolved, (two-thirds of the Senators present concurring therein),* That the Senate advise and consent to the ratification of the Agreement Between the Government of the United States of America and the Government of Hong Kong for the Surrender of Fugitive Offenders signed at Hong Kong on December 20, 1996 (Treaty Doc. 105-3), subject to the understandings of subsection (a), the declarations of subsection (b), and the proviso of subsection (c).

(a) UNDERSTANDINGS.—The Senate's advice and consent is subject to the following two understandings, which shall be included in the instrument of ratification, and shall be binding on the President:

(1) THIRD PARTY TRANSFERS.—The United States understands that Article 16(2) permits the transfer of persons surrendered to Hong Kong under this Agreement beyond the jurisdiction of Hong Kong when the United States so consents, but that the United States will not apply Article 16(2) of the Agreement to permit the transfer of persons surrendered to the Government of Hong Kong to any other jurisdiction in the People's Republic of China, unless the person being surrendered consents to the transfer.

(2) HONG KONG COURTS' POWER OF FINAL ADJUDICATION.—The United States understands that Hong Kong's courts have the power of final adjudication over all matters within Hong Kong's autonomy as guaranteed in the 1984 Sino-British Joint Declaration on the Question of Hong Kong, signed on December 19, 1984, and ratified on May 27, 1985. The United States expects that any exceptions to the jurisdiction of the Hong Kong courts for acts of state shall be construed narrowly. The United States understands that the exemption for acts of state does not diminish the responsibilities of the Hong Kong authorities with respect to extradition or the rights of an individual to a fair trial in Hong Kong courts. Any attempt by the Government of Hong Kong or the Government of the People's Republic of China to curtail the jurisdiction and power of final adjudication of the Hong Kong courts may be considered grounds for withdrawal from the Agreement.

(b) DECLARATIONS.—The Senate's advice and consent is subject to the following two declarations, which shall be binding on the President:

(1) REPORT ON THE HONG KONG JUDICIAL SYSTEM.—One year after entry into force, the Secretary of State, in coordination with the Attorney General, shall prepare and submit a report to the Committee on Foreign Relations that addresses the following issues during the period after entry into force of the Agreement:

(i) an assessment of the independence of the Hong Kong judicial system from the Government of the People's Republic of China, including a summary of any instances in which the Government of the People's Republic of China has infringed upon the independence of the Hong Kong judiciary;

(ii) an assessment of the due process accorded all persons under the jurisdiction of the Government of Hong Kong;

(iii) an assessment of the due process accorded persons extradited to Hong Kong by the United States;

(iv) an accounting of the citizenship and number of persons extradited to Hong Kong from the United States, and the citizenship and number of persons extradited to the United States from Hong Kong;

(v) an accounting of the destination of third party transfer of persons who were originally extradited from the United States, and the citizenship of those persons;

(vi) a summary of the types of crimes for which persons have been extradited between the United States and Hong Kong.

(2) TREATY INTERPRETATION.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification with respect to the INF Treaty.

(c) PROVISIO.—The resolution of ratification is subject to the following proviso, which shall not be included in the instrument of ratification to be signed by the President:

(1) SUPREMACY OF THE CONSTITUTION.—Nothing in the Treaty requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

Mr. ASHCROFT. Mr. President, I rise to address the United States-Hong Kong Extradition Treaty, a treaty which I have followed closely in its passage through the Senate Foreign Relations Committee.

To most Americans, the seemingly nebulous topic of extradition treaties is not particularly important. But let us not be distracted by the complex legal jargon that accompanies this